

REMARKS

Claims 138-162 are pending in the application. No amendments have been made by the present response.

Obviousness-Type Double Patenting

At page 3 of the Office Action, claims 138-162 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over (i) claims 1 and 16-18 of co-pending and commonly assigned application serial number 10/794,344, (ii) claims 1-24 of co-pending and commonly assigned application serial number 10/704,056, (iii) claims 17-22 of co-pending and commonly assigned application serial number 10/704,072, and (iv) claims 1-7 and 10-15 of co-pending and commonly assigned application serial number 10/729,880.

Included with this response are disclaimers of the terminal portion of the term of the patent granted upon the present application subsequent to the expiration date of the patents granted upon each of application serial numbers 10/794,344, 10/704,056, and 10/704,072. These terminal disclaimers overcome the obviousness-type double patenting rejections with respect to application serial numbers 10/794,344, 10/704,056, and 10/704,072.

The allegedly conflicting claims of application serial number 10/729,880 have not been patented. For this reason, the present rejection is a provisional obviousness-type double patenting rejection. In view of the remarks presented herein, it is applicants' understanding that the provisional obviousness-type double patenting rejection over application serial number 10/729,880 is the only rejection remaining in the present application. Accordingly, the double patenting rejection should be withdrawn to permit the present application to issue as a patent.

CONCLUSION

Applicants submit that all grounds for rejection have been overcome and that all claims are in condition for allowance, which action is earnestly requested.

\$390 for the required fee pursuant to 37 C.F.R. 1.20(d) for filing three terminal disclaimers is being paid concurrently herewith on the Electronic Filing System by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 14539-004011.

Respectfully submitted,

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